

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/824,291
Applicants: MUHS, Jeffrey D. et al.
Filing Date: 04/14/2004
Confirmation No.: 6054
Title: Hybrid Solar Lighting Distribution Systems and Components
Examiner: Mowla, Golam
Group Art Unit: 1795

SUMMARY OF EXAMINER CONFERENCES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner Mowla:

Based on my notes and recollection, on the morning of September 23, 2008, you returned my phone call regarding this case. During this conference, you asserted that the attached Declaration of Jeffrey D. Muhs (the "Declaration"), which was timely filed concurrently with the Notice of Appeal and Pre-Appeal Brief Request for Review on 8/13/2008, was made of record in the patent file. You indicated that the reviewing panel, including yourself and your supervisor, considered the Declaration during the pre-appeal brief conference and found it unpersuasive. You indicated that, regardless of the evidence included in the Declaration, it was the panel's opinion that Figure 6 of the Muhs reference ("Design and Analysis of Hybrid Solar Lighting and Full-Spectrum Solar Energy Systems", Solar 2000, July 16-21, 2000, American Solar Energy Society) disclosed a "fiber distribution panel" as claimed and described in the instant application. As such, in the Notice of Panel Decision from Pre-Appeal Brief Review mailed 8/26/2008, you continued the rejection of claims 1, 3-6 and 8-12 and indicated that the matter would proceed to the Board of Patent Appeals and Interferences.

I questioned whether, in drafting the Appeal Brief, I could properly rely on and reference the Declaration, and you offered to verify this with your supervisor.

You telephoned again during the afternoon of September 23, 2008. You reiterated that you considered the Declaration and discussed it with your supervisor during the pre-appeal conference. You, along with the panel, decided to continue the rejection despite the Declaration. At this time, I told you we were planning to pursue the appeal and put forth similar arguments as set forth in the RCE and the Pre-Appeal Request. I asked whether the Declaration was of record in the patent file and whether I could refer to and rely on the Declaration in the appeal brief. You indicated the Declaration was of record in the case and that I could properly refer to and rely on the Declaration in the appeal brief.

This summary is based on my notes of our conversations and my personal recollection. I trust that if you have a different recollection that you will let me know.

The undersigned is the agent of record and is the Applicants' representative.

Respectfully submitted,

LUEDEKA, NEELY & GRAHAM, P.C.

By:



Patrick B. Horne

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Attachment: Declaration of Jeffrey D. Muhs

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Filing Date: 04/14/2004
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Examiner: Hall, Asha J.
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DECLARATION OF JEFFREY D. MUHS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. I, Jeffrey D. Muhs am over 18 years of age and hereby declare as follows:
2. I live in Lenoir City, Tennessee United States of America and I am the author of the article "Design and Analysis of Hybrid Solar Lighting and Full-Spectrum Solar Energy Systems," published in Solar 2000, July 16-21, by the American Solar Energy Society. This publication is referred to hereinafter as the "Muhs Reference."
3. I am also a co-inventor of U.S. Patent Application Serial Number 10/824,291 entitled "Hybrid Solar Lighting Distribution Systems and Components."
4. Figure 6b of the Muhs Reference shows a close-up view of large-core optical fiber ends as indicated in its caption. The large core optical fibers pass through a rectangular aperture defined by the primary mirror and into an angled, hollow mount. These features are labeled in the following illustration.

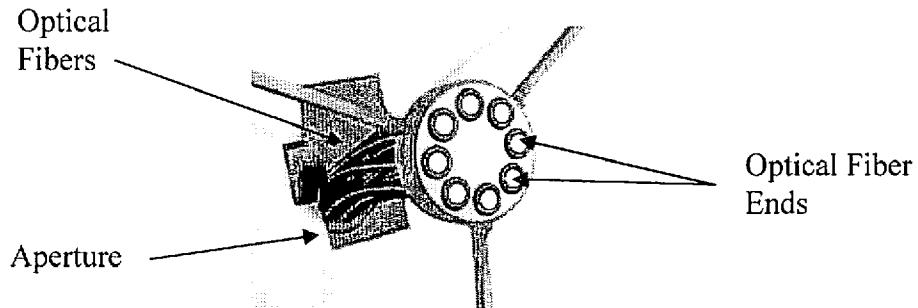
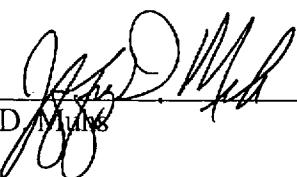


Figure 6b. Close-up view of large-core optical fiber ends.

5. There is no fiber distribution panel in Figure 6b, or described elsewhere in the Muhs Reference.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Jeffrey D. Muhs

8-6-08

Date